



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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TECHNOLOGY CENTER 2800

#13/10  
H. Dwyer  
102

Applicant: Donald L. Chubb et al.  
Serial No.: 09/323,650 Art Unit: 2859  
Filed: June 1, 1999  
Title: RARE EARTH OPTICAL TEMPERATURE SENSOR  
Examiner: Lydia M. De Jesus  
Docket No.: LEW 16,682-1

Sent to Addressee using Express Mailing Label  
No. 5447157838045  
on this 5 day of August, 2002.

Kent N. Stone

LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant respectfully requests that the appeal in the above-referenced patent application be re-instated.

If there are further fees required by this communication, please charge the same to Deposit Account No. 14-0116.

Respectfully submitted,

NASA GLENN RESEARCH CENTER

By Kent N. Stone  
Kent N. Stone, Reg. No. 31,883

Date: August 5, 2002

21000 Brookpark Road  
Cleveland, Ohio 44135  
(216) 433-8855



08-06-02

AF 1/2859  
\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NASA Case No. LEW-16,682-1

In re Application of: Donald I. Chubb, et al.

Serial No.: 09/323,650

Filed: 6/1/1999

Title: "Rare Earth Optical Temperature Sensor"

Art Unit: 2859

Examiner: L. DeJesus

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CERTIFICATE OF MAILING UNDER 37 CFR 1.10(a)

I certify that the attached correspondence consisting of:

- Letter requesting appeal be reinstated
- Supplemental Appellant's Brief
- PTO SB/17 Fee Transmittal

is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under Mailing Label Number EU471578380US in an envelope addressed to the Assistant Commissioner for Patents, Box: Amendment (Fee), Washington D.C. 20231, on August 5, 2002.

Kent N. Stone

Attorney of Record

Registration No. 31,883



Sent to Addressee using Express Mailing Label  
No. EU47 78380US on this  
5 day of August, 2002.

Kent N. Stone  
Kent N. Stone

PTO/SB/17 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Patent Office unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 320.00

Complete if Known

Application Number	<u>09/323,656</u>
Filing Date	<u>6/11/1999</u>
First Named Inventor	<u>Chubb</u>
Examiner Name	<u>L. De Jesus</u>
Group Art Unit	<u>2859</u>
Attorney Docket No.	<u>LEW 16.682-</u>

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## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 14-0116  
Deposit Account Name NASA

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	<u>320</u>
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 320

## SUBMITTED BY

Name (Print/Type)	<u>Kent N. Stone</u>	Registration No. (Attorney/Agent)	<u>31,883</u>	Telephone	<u>(216) 433-8855</u>
Signature	<u>Kent N. Stone</u>	Date	<u>August 5, 2002</u>		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.